

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jon KEMPPAINEN

Gary J. LATHAM

Serial No.: 10/576,661

Filed: April 21, 2006

For: BIOLOGICAL SAMPLE DISRUPTION  
TECHNIQUES

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: AMBI:091US

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73  
AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints all attorneys or agents associated with Customer Number **62619**, each of whom is an attorney or agent with the firm of FULBRIGHT & JAWORSKI L.L.P., as its attorney or agent, for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to AMBION, INC., referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Michael C. Barrett  
FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

ASSIGNEE:  
AMBION, INC.

By: John W. Burns  
Name: John W. Burns  
Title: Director Ambion Legal  
Date: 12/4/06

ASSIGNMENT:

- ☒ Concurrently filed  
☐ Previously recorded

Date: \_\_\_\_\_  
Reel: \_\_\_\_\_  
Frames: \_\_\_\_\_

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to AMBION, INC. (the "Assignee"), having a place of business at 2130 Woodward Street #200, Austin, TX 78744-1832, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. **10/576,661** which has been filed on **April 21, 2006** and is entitled "**BIOLOGICAL SAMPLE DISRUPTION TECHNIQUES**," which is a national phase application under 35 U.S.C. § 371 of International Application No. PCT/US2004/034850 filed October 21, 2004, which claims priority to U.S. Provisional Application No. 60/514,313 filed October 24, 2003, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

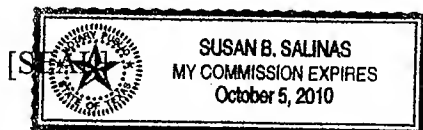
TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: [Signature] Date: 4 Dec 06  
Name: Jon KEMPPAINEN

STATE OF Texas  
COUNTY OF Texas

BEFORE ME, the undersigned authority, on this 4<sup>th</sup> day of December, 2006 personally appeared Jon KEMPPAINEN, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

[Signature]  
Notary or Consular Officer

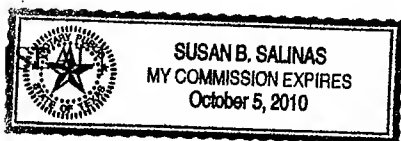


Signature: [Signature] Date: 12/4/06  
Name: Gary J. LATHAM

STATE OF Texas  
COUNTY OF Travis

BEFORE ME, the undersigned authority, on this 4<sup>th</sup> day of December, 2006 personally appeared Gary J. LATHAM, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

[Signature]  
Notary or Consular Officer



FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701